

MATTER OF WONG  
In Deportation Proceedings

A-12588659

*Decided by Board November 28, 1969*

When more than one ground of deportation exists and one ground arises later than the other, the period of continuous physical presence required to establish statutory eligibility for suspension of deportation under section 244(a) of the Immigration and Nationality Act, as amended, will be measured from the date of the later deportable violation.

**CHARGES:**

Order: Act of 1952—Section 241(a)(2) [8 U.S.C. 125(a)(2)] Remained longer—crewman.

Lodged: Act of 1952—Section 241(a)(5) [8 U.S.C. 1251(a)(5)]—Failed to furnish notification of address in violation of section 265 of the Act (8 U.S.C. 1305).

ON BEHALF OF RESPONDENT:  
Joseph S. Hertogs, Esquire  
Jackson and Hertogs  
580 Washington Street  
San Francisco, California 94111  
(Brief filed)

ON BEHALF OF SERVICE:  
R. A. Vielhaber  
Appellate Trial Attorney

Respondent appeals from the special inquiry officer's ruling that he is ineligible for discretionary relief.

The main question is whether the physical presence in the United States needed for suspension of deportation is to be reckoned from the first event which made respondent deportable or the last. We hold it is the last. The appeal will be dismissed.

Respondent, a 46-year-old male, a native and citizen of China, admitted in 1960 as a nonimmigrant crewman for a period not to exceed 29 days, remained without authority. On June 19, 1962, a special inquiry officer ordered him deported on the charge stated in the order to show cause. There was no other charge at this hearing. Respondent did not appeal.

In the summer of 1965, respondent failed to report as ordered